THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19478 of 2005

02.9.2005

Between:

Sri Nataru Pedda Krishna Reddy, S/o.late N.Munaswamy Reddy,

Landlord, Eethamaula Street, Tiruchanoor Village and Post,

Tirupathi Rural Mandal, Chittoor District.

… Petitioner.

AND

1. R.Appaji Naidu, S/o.Pottema Naidu, High School Road,

Pakala Village and Mandal, Chittoor District.

And Two others.

… Respondents

ORDER:

The petitioner claims to be in possession of land admeasuring Acs.1.04 in Survey No.278/1 of Tiruchanur village. The petitioner claims it to be ancestral property. According to the petitioner, his father purchased the property under document No.58/1930 from Smt.Chinnadesannagari Munemma and enjoyed the property along with other properties. In 1958, there was a partition among the brothers of the petitioner's father in which, the land in dispute fell to the share of the petitioner's father. Be that as it is, the petitioner applied for ryotwari patta under A.P. (Andhra Area) Inams (Abolition and Conversion Into Ryotwari) Act, 1956 (the Act, for brevity). The Inams Deputy Tahsildar, the second respondent herein, granted patta by order dated 14.2.2003. Aggrieved by the same, the first respondent, who is also claiming patta for the same property, filed an appeal before the appellate authority, namely, Revenue Divisional Officer, the second respondent herein. The appellate authority allowed the appeal and remanded the matter to the original authority. The Inams Deputy Tahsildar, after remand, dismissed the petition for grant of patta filed by the petitioner. Aggrieved by which, the petitioner preferred appeal before the Revenue Divisional Officer and it was dismissed on 13.6.2005 confirming the orders of the Inams Deputy Tahsildar dated 30.9.2004. This is assailed in the present writ petition.

Under the provisions of the Act, a person is entitled to a ryotwari patta if such person satisfies any of the conditions mentioned in Section 4 or 5 of the Act. Such an order has to be passed under Section 7(1) of the Act after examining the revenue records

and the claims of the rival parties. If any person is aggrieved by the orders passed under Section 7(1) of the Act, appeal would lie to the Revenue Divisional Officer under subsection (2) of Section 7 of the Act. At both the stages, the enquiry is essentially a fact finding enquiry so as to confer a patta or recognition of a person as an occupant of the inam land. A reading of the impugned order dated 13.6.2005 would show that an elaborate exercise was done with reference to the record placed before the Revenue Divisional Officer. In such background, it would not be proper to readjudicate the questions of fact in a writ petition. Further, Section 14A of the Act provides for revision to the Commissioner of Survey & Settlements against any order passed by the Tahsildar or Revenue Divisional Officer. It would be better if the petitioner avails this remedy in the first instance.

Therefore, the petitioner is given liberty to file revision petition before the Commissioner of Survey & Settlements under Section 14A of the Act within a period of two weeks from the date of receipt of a copy of this order. As and when such revision is filed, the Commissioner may take the revision on file and decide the matter in accordance with law after giving notice to the rival claimants.

The writ petition, without expressing any opinion on merits of the case, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

September 02, 2005.

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